

The [Military Police Complaints Commission Final Report](#) released June 27, 2012 has some harsh words for the government over lack of disclosure of information. From the Commission's Findings and Recommendations (Chapter XVII):

"The Somalia Inquiry wrote that searches for a key set of documents only became "frantic"¹⁵⁹⁵ and focused when the Department of National Defence faced the possibility that the Chief of the Defence Staff would be called as a witness. This is similar to the Commission's experience in the fall of 2009, when the extent of the Government's non-cooperation was made publicly evident by Commission counsel and the former Chairperson, when Parliamentary Committee hearings into the detainee question began, and when both the Commission's dilemma and the detainee questions received intense media coverage. For both inquiries, it seems it was only increasing public exposure that caused the Government to become more forthcoming with its disclosure.

Also analogous are the concerns of both the Somalia Commission and this Commission about the Government's litigious and seemingly adversarial approach to document production. The Commission was mindful of the existence of a potential or actual conflict of interest between the Government's duty to produce documents to the Commission on the one hand, and, on the other hand, the self-interest it might have in slowing down or inhibiting disclosure of information deemed harmful to itself. The Somalia Report described the dilemma thus:

[...] the purpose and design of SILT placed everyone within it in an impossible position, caught between adherence to our order of production and respect for the public inquiry process, and loyalty to their own institution and leadership – a leadership by its own admission disinclined to recognize the public's right to information and willing to resort to legalistic hair-splitting and subterfuge to avoid divulging that information.¹⁵⁹⁶

The Commission feels obliged to call on the CFPM, the Chief of the Defence Staff, the Minister of National Defence, and the Government of Canada as a whole to review the process section of this Report in detail to understand the full extent to which the actions described above severely impeded the Commission's ability to carry out the mandate prescribed to it by Parliament. The Complainants, the subjects, the Department of National Defence, and the public would have been much better served by a more transparent and cooperative approach. The Commission holds out the hope that future public interest investigations and hearings will be carried out in the spirit of cooperation and respect that the public has a right to expect.